



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Michael A. Schwartz  
Signature

March 30, 2007  
Date

Michael A. Schwartz  
Typed or printed name

40,161  
Registration Number, if applicable

Bingham McCutchen LLP  
Address

2020 K Street, N.W.  
Address

Washington, DC 20006  
Address

(202) 373-6000  
Telephone Number

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

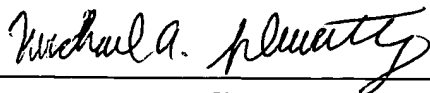
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.



Signature

March 30, 2007

Date

Michael A. Schwartz

Typed or printed name

40,161

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

I hereby state that the Office Action mailed August 28, 2006 was not received by me or by anyone else at this office. I hereby attest that we have conducted a search of the file jacket and docket records and that this search indicates that the Office communication was not received. I hereby state that the entire delay in filing the required reply from the due date of the reply until the filing of this petition was unavoidable because we did not receive the Office Action. We only became aware of the Office Action when I received a telephone call from the Examiner after the date upon which the application was considered abandoned inquiring as to whether or not we intended not to file a reply. We then promptly filed this petition.

A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached hereto. In addition, a copy of the log of communications received from the Office in which the non-received Office communication would have been entered had it been received is also attached hereto.

(Please attach additional sheets if additional space is needed.)

# Attachment A

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## Country Application

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Thursday, March 22, 2007

Page: 1

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**Docket No.:** 4019546.4195460044

**Country:** US

**SubCase:**

**Client:** Fujitsu Limited Patent Division

United States of America

**Case Type:** FOR

**Application Status:** Published

**Application Number:** 10/798851

**Filing Date:** 12-Mar-2004

**Publication Number:** 05-0080554

**Publication Date:** 14-Apr-2005

**Patent Number:**

**Issue Date:**

**Parent/PCT Number:** 2003-088548

**Parent/PCT Date :** 27-Mar-2003

**Parent Issue Number:**

**Parent Issue Date :**

**Tax Schedule:** LE

**Expiration Date:**

**Confirmation #:** 6691

**Patent Term Adjustment:** 0

**Agent:**

**Agent Reference #:**

**Family Reference:**

**Remarks:**

Priority Date: 3/27/2003

Priority Number: 2003-088548

**List Of Actions**

<b>Action(s) Due</b>	<b>Due Date</b>		<b>Action Taken</b>
Send documents to client	01-Dec-2003	Due Date	12-Mar-2004
Send documents to client	08-Dec-2003	Due Date	12-Mar-2004
Assignment	12-Mar-2004	Due Date	12-Mar-2004
Claim for Priority	12-Mar-2004	Due Date	12-Mar-2004
File Application - 1 week	20-Mar-2004	Reminder	12-Mar-2004
Convention Deadline	27-Mar-2004	Final	12-Mar-2004
Postcard	12-Apr-2004	Reminder	19-Mar-2004
Filing Receipt	12-Jun-2004	Due Date	23-Sep-2004
Information Disclosure Stmtnt	12-Jun-2004	Due Date	08-Jul-2005
Priority Acknowledgement	12-Jun-2004	Reminder	30-Jun-2005
Notice of Recordation	12-Sep-2004	Due Date	07-Sep-2004
Notice of Omitted Item(s)	23-Sep-2004	Due Date	24-Sep-2004
Response to Omitted Item Not.	23-Oct-2004	Reminder	01-Oct-2004
Notice of Recordation	12-Nov-2004	Due Date	07-Sep-2004
Response to Omitted Item Not.	23-Nov-2004	Final	01-Oct-2004
Priority Acknowledgement	12-Dec-2004	Reminder	30-Jun-2005
Updated Filing Receipt	05-Jan-2005	Due Date	06-Jan-2005
Notice of Publication	14-Apr-2005	Due Date	20-Apr-2005
Projected Publication Date	14-Apr-2005	Reminder	14-Apr-2005
Priority Document	12-May-2005	Reminder	12-Mar-2004
Status 1st Office Action	12-May-2005	Due Date	30-Jun-2005
Priority Acknowledgement	12-Jun-2005	Reminder	30-Jun-2005
3 Month Office Action	30-Jun-2005	Due Date	01-Jul-2005
1 Month to Due Date	30-Aug-2005	Reminder	24-Oct-2005
3 Month Due Date	30-Sep-2005	Due Date	24-Oct-2005
Response Due - 1st Extension	30-Oct-2005	Due Date	24-Oct-2005
Response Due - 2nd Extension	30-Nov-2005	Due Date	24-Oct-2005
2 Weeks to Final Date	15-Dec-2005	Due Date	24-Oct-2005
6 Month Final	30-Dec-2005	Final	24-Oct-2005
Final Office Action	13-Jan-2006	Due Date	18-Jan-2006
Action on Response	24-Feb-2006	Due Date	13-Jan-2006

## Country Application

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1 Month to Due Date	13-Mar-2006	Reminder	08-May-2006
Response to Final-2 month date	13-Mar-2006	Due Date	08-May-2006
3 Month Due Date	13-Apr-2006	Due Date	08-May-2006
Notice of Appeal	13-Apr-2006	Due Date	08-May-2006
Response to Final Action Due	13-Apr-2006	Due Date	08-May-2006
1st Extension	13-May-2006	Reminder	12-Jun-2006
Notice of Appeal - 1st Exten	13-May-2006	Due Date	12-Jun-2006
Response Due - 1st Extension	13-May-2006	Due Date	12-Jun-2006
Advisory Action	26-May-2006	Due Date	30-May-2006
Request for Continued Exam.	12-Jun-2006	Due Date	12-Jun-2006
2nd Extension	13-Jun-2006	Reminder	12-Jun-2006
Notice of Appeal - 2nd Exten	13-Jun-2006	Due Date	12-Jun-2006
Response Due - 2nd Extension	13-Jun-2006	Due Date	12-Jun-2006
2 Weeks to Final Date	28-Jun-2006	Due Date	12-Jun-2006
6 Month Final Date	13-Jul-2006	Final	12-Jun-2006
Notice of Appeal	13-Jul-2006	Final	12-Jun-2006
Status Office Action	12-Oct-2006	Due Date	
Status Office Action	12-Jan-2007	Due Date	
Status Office Action	12-Apr-2007	Due Date	

### Assignment History:

Assignment From	Assignment To	Assignment Date	Reel	Frame
Okada, Sumiyo	Fujitsu Limited	27-Feb-2004	015086	0243
Ono, Takashi	Fujitsu Limited	01-Mar-2004	015086	0243
Fujimoto, Shingo	Fujitsu Limited	01-Mar-2004	015086	0243
Kakuta, Jun	Fujitsu Limited	01-Mar-2004	015086	0243
Murakami, Masahiko	Fujitsu Limited	01-Mar-2004	015086	0243
Iwakawa, Akinori	Fujitsu Limited	01-Mar-2004	015086	0243

User ID: millerkr

Date Created: 13-Nov-2003

Last Update: 21-Apr-2005

# Attachment B



RECEIVED  
JAN 10 1964  
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HONOLULU, HAWAII

# 29 AUGUST TUESDAY

WEEK 35

241st Day - 124 Days Remaining

10/218882	Final Office Action	MAS	15772.0058
11/498202	Notice of Recordation	EAP	4019546.705/572001
11/434131	Office Action	SDS	420002.7050603001
10/902064	Office Action	SPO	20003.0085
10/630689	Restriction Requirement	CAJ	15772-0063

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2006

30 AUGUST WEDNESDAY

WEEK 35

242nd Day - 123 Days Remaining

11/502535	Notice of Recordation	EAP	4019546-7051672001
11/502517	Filing Receipt	EAP	4019546-7051732001
11/502550	Filing Receipt	EAP	4019546-7051712001
11/502537	Filing Receipt	EAP	4019546-7051592001
11/502535	Filing Receipt	EAP	4019546-7051672001
11/502536	Filing Receipt / Notice of Recordation	EAP	4019546-7051722001
09/868244	Notice of Non-Compliant Appeal Brief	transferred	19380.0006

# 31 AUGUST THURSDAY

WEEK 35

243rd Day - 122 Days Remaining

10/431604	Office Action	MAS	19111.0102
11/474456	Office Action	EAP	195467050942001
10/347698	Supp Not of Allowability	SDS	20002.0279
11/502537	Notice of Recordation	EAP	4019546.7051592001
11/502550	Notice of Recordation	EAP	4019546.7051712001
11/501065	Notice of Recordation	EAP	4019546.7051622001
11/503125	Notice of Recordation	SPC	20003.7049694007
B	Notice of Recordation - Patent/Trademarks	RCB	19760.0009
60/838145	Filing Receipt	MAS	25668.7051801001
11/357217	Notice of Publication	CAJ	25469.0017
11/357222	Notice of Publication	CAJ	25469.0022
11/357215	Notice of Publication	CAJ	25469.0019
11/357216	Notice of Publication	CAJ	25469.0020
11/063887	Notice of Publication	SPC	20003.0088
11/503125	Filing Receipt	SPC	20003.70496894001
11/130245	Notice of Publication	MAS	25630.0008
11/147462	Notice of Publication	EAP	25790.0003
09/800775	Maintenance Fee Statement	SDS	20002.0022
11/212854	Notice of New/Revised Proj Pubdate	MAS	19111.0184

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2006

1 SEPTEMBER FRIDAY

WEEK 35

244th Day - 121 Days Remaining

11/504681	Filing Receipt	EAP	4019546.7051782001
11/504684	Filing Receipt	EAP	4019546.7051772001
11/505357	Filing Receipt	EAP	4019546.7051792001
11/505390	Filing Receipt	SDS	20002.7051893001
09/863422	Issue Notification	MAS	19111.0001
10/809717	Office Action	MAS	25880.0019
10/158226	Office Action	MAS	19111.0073

245th Day - 120 Days Remaining

Lined area for notes or calculations.

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2006

**3** SEPTEMBER **SUNDAY**

WEEK 36

246th Day - 119 Days Remaining

A large rectangular area with horizontal ruling lines, crossed by a diagonal line from the bottom-left to the top-right. This area is intended for writing or drawing.

# 4 SEPTEMBER MONDAY

WEEK 36

247th Day - 118 Days Remaining

LABOR DAY (US, C)

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2006

5 SEPTEMBER TUESDAY

WEEK 36

248th Day - 117 Days Remaining

11/508180	Appln No Postcard	SDS 20002.0459
29/245247	Appln No Postcard	RRS 3004894.7051389001
29/265258	Appln No Postcard	RRS 3004894.7051399001
76/609062	Notice of Abandonment	RRS 25434.0002
09/857606	Notice of Hearing	SPD 19378.0011
11/505389	Filing Receipt	EAP 4019546.7051812001
11/505390	Notice of Recordation	SDS 20002.7051893001
11/505357	Notice of Recordation	EAP 19546.7051792001
11/504681	Notice of Recordation	EAP 19546.7051782001
76/390349	Cert of Registration	RRS 25017.0016

# 6 SEPTEMBER WEDNESDAY

WEEK 36

249th Day - 116 Days Remaining

10/866241	Restriction Requirement	EAP	15772.0027
10/462681	Advisory Action	SDS	20062.0257
10/872470	Notice of Allowance	MAS	19546.0069
10/476893	Notice of Allowance	EAP	25880.0027

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2006

7 SEPTEMBER THURSDAY

WEEK 36

250th Day - 115 Days Remaining

11/287467	Notice of Abandonment	MAS 19527.0017
10/843589	Notice of Allowance	SOS 20002.0411
10/805273	Restriction Requirement	SVP 25170.0002
11/176559	Notice of Publication	MAS 19546.0114
11/067270	Notice of Publication	MAS 15772.0045
10/451256	Office Action	transferred 19387.0046
76/665227	Filing Receipt	RRS 25432.0004
76/665229	Filing Receipt	RRS 25432.0004C
76/665046	Filing Receipt	RRS 25041.0001B
76/656868	Priority Action	RRS 4025993.7940259931
76/665228	Filing Receipt	RRS 25432.0003
76/665047	Filing Receipt	RRS 20541.0001A
11/502517	Notice of Recordation	EAP 4019546.7051732001
11/513260	Appln No Postcard	EAP 4019546.7051922001
11/513188	Appln No Postcard	EAP 4019546.7051822001
10/766867	Letters Patent 7102120	MAS 19546.0049

# 8 SEPTEMBER FRIDAY

WEEK 36

251st Day - 114 Days Remaining

10/350003	Office Action	REB	20768.0002
10/902796	Office Action	CAJ	19944.0062
10/827279	Final office action	SPD	4020003.7049652001
10/167744	Notice of Non-Compliant Appeal Brief	SDS	4020002.7056892001
10/634909	Issue Notification	CAJ	15772.0009
11/443097	Updated Filing Receipt	SAP	4019516.7050582001
76/624179	Office Action	SVP	25770.0009
76/559681	TTAB Notice - EOT Granted	RRS	25017.0011
2,354,205	Post Registration Office Action	ERP	25746.0011

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